

COPY

1 THE CIRCUIT COURT OF FAULKNER COUNTY, ARKANSAS

2
3 JASON HAYS AND MELISSA HAYS, et al.
4 Plaintiffs

5 vs. CASE NO. 23CV14-877

6 EXXON MOBILE CORPORATION, et al.
7 Defendants

8 ORAL DEPOSITION OF CHRISTIAN ALEXANDER

9 APPEARANCES:

10 MR. WILLIAM R. POINTER, ESQ.
11 Duncan Firm
12 900 South Shackleford, Suite 725
13 Little Rock, Arkansas 72211; and

14 MR. JOSEPH D. GATES, ESQ.
15 Paul Byrd Law Firm, PLLC
16 415 N. McKinley Street, Suite 210
17 Little Rock, Arkansas 72205

18 *** For the Plaintiffs ***

19 MR. SCOTT IRBY, ESQ.
20 MR. MICHAEL THOMPSON, ESQ.
21 Wright, Lindsey & Jennings, LLP
22 200 West Capitol Avenue, Suite 2300
23 Little Rock, Arkansas 72201; and

24 *** For the Defendants ***

25 ALSO PRESENT: Mike Tschiemer, Videographer

TAKEN BEFORE Jeff Bennett, Certified Court
Reporter, LS Certificate No. 19, Bushman Court
Reporting, 620 West Third Street, Suite 302, Little
Rock, Arkansas 72201 on **May 12, 2016** at the Duncan Firm,
Little Rock, Arkansas commencing at 1:42 p.m.

JEFF BENNETT
BUSHMAN COURT REPORTING
(501) 372-5115

I N D E X

WITNESS SWORN: CHRISTIAN ALEXANDER

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Examination by Mr. Irby

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Examination by Mr. Pointer

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Re-Examination by Mr. Irby

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EXHIBITS

Exhibit 1

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Exhibit 2

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Exhibit 3

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Certificate

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Witness' Signature (Waived)

1 ANSWERS AND DEPOSITION OF CHRISTIAN ALEXANDER, a
2 witness produced at the request of Defendants, taken in
3 the above styled and numbered cause on the 12th day of
4 May, 2016, before Jeff Bennett, Certified Court
5 Reporter, LS Certificate No. 19, a Notary Public in and
6 for Saline County, Arkansas, taken at the offices of the
7 Duncan Firm, Three Financial Centre, 900 South
8 Shackleford Road, Suite 725, Little Rock, Arkansas at
9 1:42 p.m.

10 S T I P U L A T I O N S

11 IT IS STIPULATED and AGREED by and between the
12 parties through their respective counsel that the
13 deposition of CHRISTIAN ALEXANDER may be taken at the
14 time and place designated pursuant to the Arkansas Rules
15 of Civil Procedure.

16 CHRISTIAN ALEXANDER

17 The witness hereinbefore named, having been duly
18 cautioned and sworn or affirmed to tell the truth, the
19 whole truth, and nothing but the truth, testified as
20 follows:
21
22
23
24
25

JEFF BENNETT
BUSHMAN COURT REPORTING
(501) 372-5115

1 THE VIDEOGRAPHER: We're on the audio and
2 video record at approximately 1:42 p.m. on May
3 the 12th, 2016.

4 This is Mike Tschiemer, legal video
5 specialist for Arkansas Legal Video.

6 We're at the Duncan Firm, 900 South
7 Shackleford, Suite 725 in Little Rock,
8 Arkansas to take the deposition of Christian
9 Alexander, in the matter of "Jason Hays, et
10 al, versus Exxon Mobil Corporation, et al.,"
11 in the Circuit Court of Faulkner County, Case
12 Number 23CV14-877.

13 The court reporter is Jeff Bennett.

14 Will counsel please state their
15 appearances for the record?

16 MR. POINTER: Rob Pointer representing
17 Mr. Alexander.

18 MR. IRBY: Scott Irby for Defendants.

19 MR. THOMPSON: Michael Thompson for
20 Defendants.

21 THE VIDEOGRAPHER: Mr. Bennett, will you
22 please swear in the witness?

23 (The witness was sworn.)

24 THE VIDEOGRAPHER: Thank you. Please
25 proceed.

JEFF BENNETT
BUSHMAN COURT REPORTING
(501) 372-5115

EXAMINATION

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BY MR. IRBY:

Q. Hello, Mr. Alexander.

A. Yes, sir.

Q. Could you please tell us your full name?

A. My name is Christian Alexander Nwankwo. I'm originally from Nigeria. Been in the country since 1993. 23 years, 23 years now.

Q. What was your -- what was your last name, how do you spell that?

A. A-L-E-X-A-N-D-E-R. I have a Nigerian name known as Nwankwo N-W-A-N-K-W-O.

Q. Okay.

A. Nwankwo.

Q. Mr. Alexander, what is your date of birth?

A. 12/25/70, 1970.

Q. And you said that you're originally from Nigeria?

A. Yes, sir.

Q. That's where you were born?

A. Yes, sir.

Q. And you came to the U.S. in '93?

A. Yes, sir. As a student, yes, sir.

Q. Okay. Where did you -- so you came over to go to college or high school?

A. Go to college in Houston, Texas.

1 Q. Did you go to the University of Houston?

2 A. No. Texas Southern University, TSU, in Houston,
3 Texas.

4 Q. So did you begin Texas Southern in '93?

5 A. Yes, sir.

6 Q. And did you obtain a degree from Texas Southern?

7 A. No, sir. I met a woman, a young girl in college.
8 And before I know it, she was pregnant. And, you know,
9 being a young man, very young, I don't have no parents
10 here, no sisters, no brothers, no nothing, I have to
11 start providing for the family. So I start getting all
12 kinds of different jobs, you know. Yes, sir.

13 Q. Okay. Let me before we go any farther. Have you
14 ever given a deposition before?

15 A. I don't think I have.

16 Q. Like this where you're talking to a lawyer, and
17 there's a court reporter taking down everything you and
18 I say, have you ever done that before?

19 A. I might have. I don't recall. I don't recall. I
20 don't recall. But I might have. You know, a long time
21 ago. I'm not sure.

22 Q. Okay. Well, this is just an opportunity for me to
23 understand a little about you, your history, your
24 background, and also the claims that you've made against
25 Exxon Mobile in this lawsuit that you filed. Do you

1 understand that?

2 A. Yes, sir.

3 Q. And there's -- I know you've had an opportunity to
4 talk to Mr. Pointer, your lawyer, and Mr. Gates. But I
5 just want to go over a couple of ground rules with you.
6 And the first one is if you don't understand my question
7 for any reason, if it's a bad question, and I sometimes
8 ask bad questions, or tough to understand questions,
9 just ask me to rephrase it, and I'll be happy to do
10 that. Okay?

11 A. Thank you, sir.

12 Q. If you need a break at any time, you just let me
13 know, we'll take a break. I don't think this is going
14 to go a whole long time today, but that doesn't mean
15 that you won't need a break at some point. I try to
16 break, you know, around every hour. But if you need one
17 before that, that's fine.

18 The only thing I'd ask is if I've asked you a
19 question, I'd like you to answer it before we take a
20 break. Okay?

21 A. Yes, sir.

22 Q. And you're doing a real good job of this right
23 now. Let me get out my full question before you begin
24 your answer. That way Jeff gets to take down fully and
25 completely and accurately everything you and I say.

1 Okay?

2 A. Yes, sir.

3 Q. And finally, make sure you give me an out-loud
4 verbal response to whatever question I have. It's
5 difficult to take down a nod of the head, or a shake of
6 the head and that sort of thing. Okay?

7 A. Yes, sir.

8 Q. All right. So with that, let me go into a little
9 bit more. We were kind of in your background there.
10 Are you currently married, sir?

11 A. No, sir, divorced.

12 Q. Okay. Who -- have you been married once or more
13 than once?

14 A. Just once.

15 Q. And who were you married to?

16 A. Rhonda Adams Porter.

17 Q. What was the last part?

18 A. P-O-R-T-E-R, Porter.

19 Q. Rhonda Adams Porter?

20 A. Yes, sir.

21 Q. And was Ms. Porter the lady you met in college
22 that you talked about?

23 A. Yes, sir.

24 Q. Okay. And so do you and Ms. Porter -- when did
25 you get married to Ms. Porter?

1 A. I think it was in 2002, no, it's 2001.

2 Q. 2001?

3 A. Yes, sir.

4 Q. And that marriage ended in divorce; is that
5 correct?

6 A. Yes, sir.

7 Q. When was the divorce?

8 A. 2005.

9 Q. You and she I assume had a child, at least one?

10 A. Yeah. We were living for a long time before we
11 got married, yes, sir.

12 Q. Okay. Did you have a relationship with Ms. Porter
13 from the early nineties?

14 A. Since '93, '94, yes, sir.

15 Q. Okay. And how many children do you and Ms. Porter
16 have.

17 A. Just one, sir.

18 Q. And what's the name of your child?

19 A. Junior, Christian Alexander, II.

20 Q. And where does he live nowadays?

21 A. He lives with me, and goes to college at
22 University of Arkansas at Fayetteville.

23 Q. Okay.

24 A. But reside in my house, yes, sir.

25 Q. Gotcha. Is he a full-time student?

- 1 A. Yes, sir.
- 2 Q. And what about Ms. Porter, do you know where she
3 is?
- 4 A. She lives in Houston, Texas.
- 5 Q. Has she ever lived in Arkansas?
- 6 A. No, sir.
- 7 Q. Do you have any other children?
- 8 A. No, sir.
- 9 Q. When you came over to the U.S. to go to school at
10 Texas Southern University, were you studying a
11 particular field?
- 12 A. Microbiology.
- 13 Q. Microbiology?
- 14 A. Yes, sir.
- 15 Q. Were you -- were you planning to be -- did you
16 have an idea of what profession you wanted to be?
- 17 A. I was young, no, sir. Just sent here to go to
18 college, then probably go back to Nigeria.
- 19 Q. Gotcha.
- 20 A. Yes, sir.
- 21 Q. And how long did you stay in school before you
22 wound up having to get jobs?
- 23 A. About a year and a half.
- 24 Q. And did you take work around the Houston area?
- 25 A. Yes, sir.

1 Q. What -- just give me a flavor for what job, what's
2 the first job you had?

3 A. I worked for a company known as Steak and Ale. I
4 don't know if they still -- they still in existence.

5 Q. Uh-huh.

6 A. I worked for TGI Friday's. I worked for Chili's
7 Restaurants.

8 Q. Okay.

9 A. And --

10 Q. Were you a cook, a server?

11 A. Yes, sir, cook.

12 Q. So you had several jobs kind of in the food
13 service industry?

14 A. Yes, sir.

15 Q. And did you at any point transition out of kind of
16 the food service work into a, you know, a different
17 profession or career?

18 A. Not until I got to Memphis in 1996.

19 Q. Okay. So you moved to Memphis in '96?

20 A. Yeah.

21 Q. And I assume you had Christian, Jr. and Ms. Porter
22 with you?

23 A. Yes, sir. Her mom, her grandma was very sick, and
24 her granddaddy need help, and we all moved to Memphis.

25 Q. Okay. What did you do when you moved to Memphis,

1 what job?

2 A. Well, there was a hotel known as the Peabody
3 Hotels. I have friend chefs over there. That's how I
4 started, you know. And they trained me, they sent me to
5 school and all that stuff. They have a program that
6 work out of -- out of one of their properties in
7 Orlando, Florida. The people that was there in Orlando,
8 Florida. They have some university classes or whatever.
9 And that's where I get training as a chef. And I've
10 been with them since then.

11 Q. I see.

12 A. Yes, sir.

13 Q. So in '96, you moved to Memphis and you get a job
14 at the Peabody Hotel as an -- as an aspiring chef,
15 right?

16 A. Yes, sir.

17 Q. And as part of that job they sent you for training
18 in Orlando?

19 A. Yes, sir.

20 Q. And how long was your training in Orlando?

21 A. Almost a year. I come back to Memphis, go back to
22 Orlando, come back to Memphis, go back to Orlando, yes,
23 sir.

24 Q. But it took you -- you'd go back -- you didn't
25 live in Orlando --

- 1 A. Yes, sir.
- 2 Q. -- but you would spend a lot of time down there?
- 3 A. I was working at the hotel in Orlando, yes, sir.
- 4 Q. Okay. And at the conclusion of the year, did you
- 5 get any kind of a degree or certificate?
- 6 A. Certification, yes, sir.
- 7 Q. What's your certificate --
- 8 A. Chef De Cuisine.
- 9 Q. And did you come back after that year and stay in
- 10 Memphis?
- 11 A. In Memphis, yes, sir.
- 12 Q. At the Peabody?
- 13 A. Yes, sir.
- 14 Q. So how long did you stay on at the Peabody in
- 15 Memphis?
- 16 A. Stayed until probably about four years. Then I
- 17 got a job in Houston, Texas, the J.W. Marriott. I went
- 18 there. That is in Galleria in Houston, Texas. I went
- 19 down there for about eight months. And I say sous chef.
- 20 Then there was a -- they call me, one of the previous
- 21 chefs in Memphis that was transferred. He got a job at
- 22 Philadelphia. And he heard that they were opening up
- 23 the Peabody in Little Rock. And he was in charge of it.
- 24 Call him back to come and run it. And he told me to
- 25 leave my job over there. He was going to, you know, the

1 pay negotiations and all that stuff. ,

2 Q. Uh-huh.

3 A. And that's how I ended up in Little Rock,
4 Arkansas.

5 Q. Okay. All right. So when you left, before you
6 went to the J.W. Marriott in Houston, what was your
7 title or position at the Memphis Peabody?

8 A. Banquet chef.

9 Q. Banquet chef?

10 A. Yes, sir.

11 Q. And when you -- you went to the J.W. Marriott in
12 Houston, is that the one downtown?

13 A. Yes, sir. Off Galleria, yes, sir.

14 Q. And you were the sous chef?

15 A. Yes, sir.

16 Q. You stayed there for -- was --

17 A. Probably about seven months or so. It wasn't that
18 long.

19 Q. Was that -- what year about was that J.W. Marriott
20 experience?

21 A. I think it was 2004, 2005, something like that.

22 Q. Okay.

23 A. I'm not sure.

24 Q. Sometime in the 2004 or 5 range?

25 A. Yes, sir.

1 Q. Stayed there about seven months. And then you
2 came back to the Peabody, but not in Memphis, in Little
3 Rock, right?

4 A. Yes, sir.

5 Q. Because the Peabody had wound up buying the hotel
6 in Little Rock?

7 A. Yes, sir.

8 Q. And what was your position when you came back to
9 the Peabody in Little Rock?

10 A. Banquet chef.

11 Q. And how long did you stay on at the Peabody in
12 Little Rock?

13 A. Until -- until -- I'm there, you know, until they
14 close the door in 2013.

15 Q. When Marriott bought it?

16 A. Yes, sir.

17 Q. And did you stay on with Marriott?

18 A. For about a couple of weeks and I left.

19 Q. Okay.

20 A. The pay wasn't something, and yeah.

21 Q. So when you left the Marriott sometime in 2013,
22 after a couple of weeks, where did you go?

23 A. I didn't go anywhere. I was doing some cuisines,
24 somebody like, you know, some people need, you know,
25 cooking or whatever. And I was doing my own private

1 thing on the side.

2 Q. Kind of a personal chef type deal?

3 A. That's it, personal chef cook. Cooked at the
4 house, your family or whatever, you know. I go over
5 there and do whatever I got to do and get paid, that's
6 it.

7 Q. And was the reason you left the Marriott, you just
8 didn't like working there?

9 A. Yes, sir. The pay wasn't -- you know, they sign
10 an agreement with me. You know, they offer me the job.
11 Kept a lot of -- few people. A lot of people were let
12 go. I stayed. But it was just working with a skeleton
13 crew, you know. It wasn't the famous dinner and the
14 setups, you know, the cuisine like you normally do.
15 This is just so different, you know. You have a menu
16 you have to follow. You don't grade anything like you
17 really want to. So it wasn't for me anymore.

18 Q. And when you left there, you started working as a
19 personal chef --

20 A. Yes, sir.

21 Q. -- kind of private chef when somebody needed work?

22 A. Yes, sir.

23 Q. And is that what you're doing today or --

24 A. I'm doing that, and I have -- I bought some
25 trucks. I have some little money, I bought some trucks.

1 I'm doing towing.

2 Q. Like a --

3 A. Like tow trucks or whatever. I have two trucks
4 that --

5 Q. Oh, you have a tow truck?

6 A. Yes, sir.

7 Q. Okay.

8 A. Yes, sir.

9 Q. So you do some personal chef work --

10 A. Yes, sir.

11 Q. -- but your main income is derived from your tow
12 truck business?

13 A. Yes, sir.

14 Q. And when did you buy your tow truck?

15 A. A year and a half ago.

16 Q. And does it have -- your tow truck, is that a
17 company or a name? There you go.

18 All right. Mr. Alexander has handed me the card
19 for his tow trucking business, which is AC Auto
20 Recovery; is that right?

21 A. Yes, sir.

22 Q. And it's got a mobile number and a fax number, and
23 a picture of his tow truck, bonded and insured.

24 Where are you -- where is your truck parked, where
25 does it stay?

1 A. Somewhere in Mayflower. I have a guy that repairs
2 shop like tires and all that stuff. I park it in his
3 lot somewhere there.

4 Q. Okay. Where is it, do you know, do you remember
5 the guy's name or the lot?

6 A. Carlisle Tires.

7 Q. Carlisle Tires?

8 A. Yeah. It's -- that's only tire shop in Mayflower,
9 Arkansas, yes, sir.

10 Q. So you have your truck there, and if you get a
11 call to --

12 A. If I'm free, I go do it. If I'm not free, then,
13 you know, I don't. Yes, sir.

14 Q. Okay. We'll make a copy if you don't mind.

15 A. You can keep that. That's okay.

16 Q. I don't mind keeping it, but I'd like to have it
17 as part of the record, since you handed it to me.

18 A. Yes, sir.

19 Q. So Jeff will make us a copy of it and go from
20 there.

21 (Deposition Exhibit 1 was marked.)

22 Q. So your business now is the -- is AC Auto Recovery
23 and personal chef; is that right?

24 A. Yes, sir.

25 Q. Any other sources of income other than those two

1 things?

2 A. No.

3 Q. Is -- are you -- do you live at 26 Ledrick Circle?

4 A. Yes, sir.

5 Q. Okay. Is that where you lived on March 29,
6 2013 --

7 A. Yes, sir.

8 Q. -- when the oil spill occurred?

9 A. Yes, sir.

10 Q. And back on March 29, 2013, was there anyone other
11 than you who lived in that home full-time?

12 A. My son, he comes and goes, comes and goes. He
13 lives in college, which is three hours away from Little
14 Rock. So he comes every other week, you know, comes
15 home.

16 Q. For the weekend?

17 A. Pretty much, yes, sir.

18 Q. Okay.

19 A. After school or whatever break or whatever.
20 Because I've had -- I've had custody of him since the
21 divorce.

22 Q. Okay.

23 A. So I've always kept him, yes, sir.

24 Q. And when did you move into 26 Ledrick?

25 A. November 21, 2004. That's when the closing of the

1 house, I think.

2 Q. Was the house a new house when you bought it --

3 A. Yes, sir.

4 Q. -- or did somebody live there?

5 A. Yes, sir, brand new house. I picked the colors
6 and a lot of stuff in the house, yes, sir.

7 Q. Do you remember what you paid for it?

8 A. I think it's about \$112,000, I believe.

9 Q. And when you first moved in in 2004, was your --
10 was your wife, Ms. Porter, still -- were y'all still
11 together?

12 A. No, sir, we've been divorced.

13 Q. I can't remember when we --

14 A. No, sir.

15 Q. So you moved in, it was you and your son,
16 Christian, Jr.?

17 A. My son, yes, sir.

18 Q. And where did -- where did Christian, Jr. go to
19 school?

20 A. Mayflower Middle School, then high school. He
21 graduate from Mayflower High School.

22 Q. What year did he graduate?

23 A. I think 2012, I believe.

24 Q. And right out of high school did he go to
25 Fayetteville to school?

1 A. Yes, sir.

2 Q. Okay. And so when the actual oil spill occurred,
3 his permanent residence was 26 Ledrick, but he was
4 living in Fayetteville?

5 A. Yes, sir.

6 Q. What is he studying?

7 A. Electronics engineering.

8 Q. Does he like living in Fayetteville?

9 A. So far so good, yes, sir.

10 Q. I assume is he getting close to graduating?

11 A. Yes, sir.

12 Q. I guess you're hoping he's getting close to
13 graduating?

14 A. I'm hoping so. I'm really proud of him though,
15 yes, sir.

16 Q. You told me about your time at Texas Southern and
17 the certificate and the training you got via the Peabody
18 down in Orlando. Other than those two kind of after
19 high school educations, have you done any other type of
20 education or training?

21 A. No, sir.

22 Q. Have you ever been in the military?

23 A. No, sir.

24 Q. Are you -- are you a U.S. citizen?

25 A. No, green-cardholder.

- 1 Q. But your son I assume is?
- 2 A. Yes, sir. Yes, sir.
- 3 Q. Other than your son, do you have any other
- 4 relatives in Faulkner County, Arkansas?
- 5 A. No, sir.
- 6 Q. Do you remember -- I know you said the Marriott --
- 7 I think you told me the Marriott took over from the
- 8 Peabody in 2013?
- 9 A. Yes, sir.
- 10 Q. Do you remember if that was before or after the
- 11 oil spill when that occurred?
- 12 A. You know, the taking over was a long process.
- 13 Q. Yeah.
- 14 A. I can't really tell. I can't really -- I think it
- 15 has to be. I'm not sure.
- 16 Q. Okay.
- 17 A. I can't be precise.
- 18 Q. Were you still working for either the Peabody or
- 19 the Marriott --
- 20 A. Yes, sir.
- 21 Q. -- when the oil spill occurred?
- 22 A. Yes, sir.
- 23 Q. Okay. Did you lose -- did you miss any work as a
- 24 result of the oil spill?
- 25 A. No, sir.

1 Q. You didn't have your truck at that point, right?

2 A. No, sir.

3 Q. So you're not -- you don't have any like lost
4 wages or something like that, that you're claiming?

5 A. No, sir.

6 Q. Let me ask you about your -- kind of your general
7 health. What -- how would you describe your health
8 right now, do you have any concerns?

9 A. Worried. I've -- you know, I'm not sure where to
10 begin. But I have never in my entire life, you know,
11 when I was in Nigeria or since I've been in U.S.
12 forever, I've never had a nose bleed. But I've been
13 having a lot of nose bleeds. I know it has subsided for
14 a while now. But during that oil spill months and
15 months. I have no idea why. But every day, you know,
16 you wake up, a lot of migraine, a a lot of headaches,
17 especially during that oil spill season or time or
18 whatever. A lot of throat, my -- I would say sore
19 throat, is like, you know, you try to swallow something
20 but you can't -- you have some kind of feelings in
21 there. I don't know how to describe it. But the
22 headache is just a constant headache.

23 Sometimes I, you know, wake up in the morning, not
24 just me that was having nose bleed. When my son comes
25 home, he never had ever a nose bleed. Nose bleed when

1 wake up in the morning, said something about, you know.

2 I have no idea why but --

3 Q. Okay.

4 A. Yes, sir.

5 Q. I'm going to dive into those things in a little
6 bit more detail. It sounds like you were kind of
7 describing some of the symptoms that you associated with
8 the days and weeks and however long after the oil spill.
9 Was that kind of what you were giving me there?

10 A. Yes, sir.

11 Q. Okay. I guess my question is, and it wasn't a
12 very good question --

13 A. Sorry about that.

14 Q. No, no, no. It was my fault.

15 Today, for instance, do you have any kind of
16 chronic condition that you're taking any kind of
17 medication for regularly?

18 A. Not really except high blood pressure.

19 Q. Okay. So you are -- so have high blood pressure?

20 A. Up to a year and a half ago, I was diagnosed. I
21 don't ever have it. Maybe it was -- I've never had any
22 problem with my medical records or anything. But almost
23 a year and a half ago, they told me my blood pressure
24 was high, so yes, sir.

25 Q. Okay. So do you currently take a pill every day

1 or something like that?

2 A. Not every day, no, sir.

3 Q. Do you have a prescription --

4 A. Yes, sir.

5 Q. -- for it?

6 A. Yes, sir.

7 Q. And do you take medication, maybe not every day,

8 but pretty regularly?

9 A. Yes, sir.

10 Q. And who is the doctor who treats your high blood

11 pressure?

12 A. Dr. Betton. He's on Martin Luther King. I'm not

13 sure. I can look up my phone and give you his

14 information, if you want to.

15 Q. Is he in Conway?

16 A. No, he's in Little Rock.

17 Q. He's on MLK Drive?

18 A. Yes, sir.

19 Q. Okay.

20 A. He's been my doctor for a long time.

21 Q. Do you know what the name of his clinic is?

22 A. Betton, betton, Betton Clinic.

23 Q. Betton Clinic?

24 A. Yes, sir.

25 Q. He's been you kind of family doctor --

- 1 A. Yes, sir.
- 2 Q. -- for a long time?
- 3 A. Yes, sir.
- 4 Q. How long, since you've been in Little Rock or --
- 5 A. Pretty much, yes, sir.
- 6 Q. Other than high blood pressure, is there any other
- 7 condition that you have today, just talking about your
- 8 current health condition today, that you -- that you
- 9 just -- that you consider a chronic condition or
- 10 something that you have, like high blood pressure or
- 11 something along those lines?
- 12 A. No, sir. I don't recall.
- 13 Q. Have you ever been hospitalized?
- 14 A. No, sir. I've gone to the hospital, but not
- 15 staying over or anything like that, no.
- 16 Q. What have you gone to the hospital for?
- 17 A. Headache, migraine.
- 18 Q. What hospital did you go for headaches and
- 19 migraines?
- 20 A. UAMS.
- 21 Q. When about was that?
- 22 A. About the time that that happened.
- 23 Q. Okay. You think it was after the oil spill?
- 24 A. Something like, yes, sir.
- 25 Q. And you went to UAMS with a headache?

1 A. Yes, sir.

2 Q. And what did they do for you?

3 A. Nothing. They gave me some pills, that's about
4 it.

5 Q. Gave you some medication and sent you home?

6 A. Yes, sir.

7 Q. Did you ever have to have go back to the hospital
8 for headaches?

9 A. No. The reason why I went there that night was I
10 was having that headache, and my doctor wasn't -- my
11 family physician had gone, he's not -- late in the
12 evening time.

13 Q. Okay.

14 A. Yes, sir.

15 Q. Your regular doctor was closed?

16 A. Yes, sir.

17 Q. And you were having a headache, so you went to the
18 hospital?

19 A. Yes, sir.

20 Q. Have you ever gone to the hospital any other time?

21 A. Not to my knowledge.

22 Q. Have you ever -- other than Dr. Betton, say since
23 you moved to Arkansas, have you ever gone to any other
24 medical care provider other than Dr. Betton and this
25 trip to UAMS?

1 A. I don't recall. I might have, but I can't -- I
2 can't -- I don't recall.

3 Q. You don't remember anything?

4 A. Yes, sir.

5 Q. Have you ever filed another lawsuit other than the
6 one we're here about today?

7 A. No, sir.

8 Q. Have you ever been a defendant in any lawsuit?

9 A. No, sir.

10 Q. Have you ever filed a claim for Workers'
11 Compensation benefits?

12 A. No, sir.

13 Q. Have you ever had to declare bankruptcy?

14 A. No, sir.

15 Q. Have you ever been convicted of a crime?

16 A. What kind of crime?

17 Q. Just any kind of crime, other than traffic tickets
18 or something like that.

19 A. Assault.

20 Q. Okay.

21 A. A long time ago in 1995.

22 Q. '95?

23 A. Between me and -- between me and my ex, my
24 girlfriend at that time, yes, sir.

25 Q. Ms. Porter?

1 A. Yes, sir.

2 Q. And was that somewhere in Texas?

3 A. Yes, sir.

4 Q. In whatever -- I'm not sure what the county --

5 A. Harris County.

6 Q. Harris?

7 A. Yes, sir.

8 Q. And did you go to trial or did you --

9 A. No. I plead -- I plead that it's misdemeanor, you

10 know. That's pretty much it.

11 Q. It was a misdemeanor?

12 A. Yes, sir.

13 Q. Any other crimes?

14 A. I don't recall it.

15 Q. Any DWIs or anything like that?

16 A. No, sir.

17 Q. Are you a smoker?

18 A. No, sir.

19 Q. Have you ever been a smoker?

20 A. No, sir.

21 Q. What about alcohol, any alcohol?

22 A. From time-to-time I drink one or two bottles of

23 Heineken and that's about it, no.

24 Q. No -- no -- no illicit drugs?

25 A. Oh, no, sir. No, sir.

1 Q. Okay. Let me ask you about the day of the oil
2 spill, March 29, 2013. Do you remember where you were
3 when you first learned about the incident?

4 A. I wasn't at home, I was at work. And I just need
5 to answer just -- I don't need to go into details?

6 Q. No, I'll probably follow up with some details, but
7 no, you answered it perfectly appropriately.

8 A. Thank you, sir.

9 Q. So you found out about it when you were at work?

10 A. Yes, sir.

11 Q. Do you recall how you found out about it?

12 A. My neighbor called me, but I was busy at work. So
13 I didn't -- I didn't catch what he was saying, just said
14 something about smell or something like that.

15 Q. Do you remember your neighbor's name?

16 A. His name is Jerry West.

17 Q. Jerry?

18 A. Jerry, J-E-R-R-Y West.

19 Q. Okay.

20 A. Yes, sir.

21 Q. So Mr. West called you. Did he leave you a
22 message or did you --

23 A. I answer the phone, cell phone. And he said he
24 had some kind of smell going on. He didn't tell me why,
25 how, what it was or whatever, you know, and --

1 Q. He just really called you to tell you there was
2 some kind of strange smell in the air?

3 A. Strange smell in the neighborhood or whatever. He
4 didn't know what it was. And I didn't find out until
5 the next morning. I got home late that night from work
6 so, you know.

7 Q. So when Mr. West first called you, he really
8 didn't know anything about what was going on either?

9 A. Yes, sir.

10 Q. And you were at work. Was this in the afternoon
11 or early evening or --

12 A. I think it was in the evening maybe about 2:00,
13 3:00 or 4:00. So I don't know. I can't -- but he
14 called he and told me something. I'm not sure what --
15 how he said it. But that's the first time I got a
16 glimpse of what --

17 Q. But you just went about your business and stayed
18 at work, correct?

19 A. Yes, sir.

20 Q. And you went home late after all your work was
21 done?

22 A. Yes, sir.

23 Q. And did you -- do you -- do you remember anything
24 strange about coming home?

25 A. The smell --

1 Q. Okay.

2 A. -- was, you know, the smell. Before I even got
3 close to the gas station, and my air conditioner or
4 whatever it's on or whatever, but you can smell. And
5 then I got to the house, it's unbearable.

6 Q. So when you took the -- I assume that when you
7 come back home from the Peabody you'd eventually get on
8 I-40 and go up toward Mayflower, right?

9 A. Yes, sir.

10 Q. And you'd take the Mayflower exit?

11 A. Exit.

12 Q. And there's a gas station right --

13 A. Yes, sir.

14 Q. Let me finish my question.

15 A. I'm sorry.

16 Q. No, you're doing -- that's what we -- that's what
17 we do. I'm not picking at you.

18 There's a gas station there as you cross over the
19 overpass right as you get to what, 365 or so, is that
20 the --

21 A. Yes, sir.

22 Q. -- road? And right about there you smelled it?

23 A. Yes, sir.

24 Q. And did you see any -- at that point, was there
25 anybody in the roads or see any trucks?

1 A. It was dark, you know. And it was dark. I don't
2 know whether the lights was off or whatever. I'm not
3 sure. It was pretty dark. But I was going to the
4 house.

5 Q. And you went on to the house?

6 A. Yes, sir.

7 Q. And did anybody -- that night did anybody stop you
8 or tell you what was going on, slow you down or anything
9 like that?

10 A. When I -- when I -- when I pull up to my house, my
11 neighbor that called me, they're the kind of people that
12 they goes to bed probably 7:30 or 8 o'clock.

13 So I went in the house. I didn't even go into my
14 house yet. I went and banged on the door.

15 Q. Uh-huh.

16 A. And him and his wife came out. And we start
17 talking, and they were telling me everybody runny
18 around, the smell. I'm like, oh, my God. What is this.
19 What is this, you know. Then I run into the house,
20 because I have a French bulldog that's always in the --
21 I have something built outside in the porch in the
22 backyard. When it goes through the door and comes out,
23 it stays most of the time outside or whatever, yes, sir.
24 And I run in there to go check on him, you know, barking
25 and barking and barking. And that's about it. I took

1 him inside the house and closed that little blind
2 and (inaudible) -- that's it.

3 Q. So you smelled the odor when you get off the
4 Mayflower exit by the gas station?

5 A. It got stronger. You can smell that probably a
6 little bit further, but I didn't what it was. I know he
7 told me some smell was coming, but it got stronger and
8 stronger and stronger, yes, sir.

9 Q. Do you remember when on -- did you first smell it
10 on the interstate, or was it after you took the exit?

11 A. I don't know. I don't recall.

12 Q. Okay.

13 A. Yes, sir.

14 Q. But you know you smelled it when you got to the
15 intersection by the gas station?

16 A. Yes, sir.

17 Q. And you drove as you normally would drive home to
18 your house?

19 A. Yes, sir.

20 Q. At Ledrick?

21 A. Yes, sir.

22 Q. Then you go and you have an exchange with your --
23 with Mr. West and his wife?

24 A. Yes, sir.

25 Q. And you go and get your dog. What's your dog's

1 name?

2 A. Sven, S-V-E-N.

3 Q. Sven, the French bulldog, correct?

4 A. Yes, sir.

5 Q. You get Sven?

6 A. Yes, sir.

7 Q. Get him inside?

8 A. Yes, sir.

9 Q. Close-up shop, basically?

10 A. Yes, sir.

11 Q. And did you go to sleep that night?

12 A. I take a shower, you know, and went to sleep. And
13 the next morning, this was probably about 11:00 or 11:15
14 or 11:30 or something like that. It was late.

15 Q. Late in the evening?

16 A. Yes, sir.

17 Q. All right. So tell me what happens the next
18 morning, what do you remember about the next morning?

19 A. Nose bleed, coughing, dog was barking, barking,
20 then, which is -- I think -- I think that was a Friday.

21 Q. It was.

22 A. Okay. I don't remember. But my son came home
23 that Saturday morning, probably about 10:00 or 10:30 or
24 something like that. And we talked a little bit or
25 whatever, and I had to leave to go back to work.

1 Q. So you woke up -- you recall waking up that first
2 morning and you had a nose bleed?

3 A. Yes, sir.

4 Q. Can you just describe for me, was it, you know,
5 you wake up and you -- you sit up and your nose is just
6 pouring blood or --

7 A. No, no, no, no. You know how you -- you know you
8 wake up -- you're laying down, then you get up and you
9 have some kind of itching in your throat or whatever.
10 I'm thinking maybe I'm getting cold. I always --
11 sometimes I get cold.

12 Q. Sure.

13 A. Like maybe I got a cold or something. But
14 sneezing, then, you know, then you see a little blood
15 coming out, you know. I'm like what the hell is going
16 on. And that is the first instance that I notice that,
17 you know. I didn't read much into it, because I really
18 didn't know what was going on. Was when it persistent,
19 you know, constant, you know, after a couple of days
20 having the same situation also.

21 Q. Okay.

22 A. That's when I'm like, is it my bed or what is
23 going on. I have no idea.

24 Q. Okay. That first night you woke up, you felt a
25 scratching in your nose or -- I'm sorry, scratching in

1 your throat?

2 A. Yes, sir.

3 Q. And you think you may be coming down with a cold?

4 A. Yes, sir.

5 Q. You sneeze and that's when you see some kind of
6 blood specks?

7 A. Yes, sir.

8 Q. And did you have a headache that morning too?

9 A. Yes, sir.

10 Q. And your son comes home about 10:00 or 10:30 in
11 the morning, right?

12 A. Yes, sir.

13 Q. And you have to go back into work. Did you go
14 back in that afternoon?

15 A. Probably 11:00 or 11:30 I had to go. We have some
16 events, yes, sir.

17 Q. As banquet chef, I would assume that the weekends
18 are busy?

19 A. No. The reason why I told you that I was a
20 banquet chef, that was at the beginning of my coming
21 down to Little Rock.

22 Q. Okay. Right.

23 A. Then after a couple of maybe a year or so, I
24 became the chef de cuisine for the restaurants. Then
25 after that, after a while, then I became the executive

1 sous chef of the hotel.

2 So it's a lot of more -- when I left there I was
3 executive sous chef.

4 Q. Okay.

5 A. Of the hotel. So just different positions after a
6 while, yes, sir.

7 Q. You're right. I didn't ask you though, you're
8 right, you told me that at the beginning.

9 Just more out of the interest for me.

10 A. Yes, sir.

11 Q. What does banquet chef do?

12 A. Banquet chef is pretty much a chef, an assistant
13 chef that is over the banquet events, which is the
14 current events, somebody having a wedding, and they have
15 500 people, and they have 800 people or whatever. He
16 has to be in charge. He has to order all the food. He
17 has to write the menu. He has to do different things,
18 organize, make sure everything is set up; who is doing
19 the (inaudible) which is the cold food, who is doing the
20 hot food, or where is the sous chef, what time is --
21 what time -- what time the food is going to be served,
22 what time is going to start cooking, all that stuff is
23 on the banquet chef for banquet events.

24 Q. Okay.

25 A. Yes, sir.

1 Q. And the Peabody is hooked up there to the State
2 House Convention Center?

3 A. Yes, sir.

4 Q. So you would have -- you would do some work over
5 there?

6 A. Yes, sir. They have a big old kitchen in the
7 State House Convention that they get from Ben E. Keith
8 or Cisco or whatever you order, and they want to bring
9 it in there, go and drop it off at the State House
10 Convention kitchen. That's where everything is going to
11 be set up, and start cooking, and start prepping and all
12 that stuff, and prepped and put up and all that stuff,
13 yes, sir.

14 Q. So at some point you moved from the banquet chef
15 at the Little Rock Peabody to the chef de cuisine?

16 A. Yes, sir.

17 Q. And what is that --

18 A. Chef de cuisine is pretty much creating all kind
19 of menus for the restaurants. There's a restaurant that
20 we're having known as Capricious, it's an Italian
21 cuisine, Italian restaurant who have a lot of steaks,
22 you know, prime steaks and whatever you can think of,
23 seafood, you know, we have different things.

24 But the menu got to be changed every three or four
25 months. And you have to come up with all these menus.

1 You have to do demos. You have to taste it. You have
2 to cook them and try it, try them and put them in the
3 menu and all that stuff.

4 And the wine, you know, how you pair the wine with
5 the food, appetizer, dinner, whatever, whatever, desert,
6 what kind of desert is going to go with this Chilean Sea
7 Bass, or is going to go with New York strip, yes, sir.

8 Q. Okay.

9 THE VIDEOGRAPHER: Can we take a short
10 break? We're going off the record at
11 2:24 p.m.

12 (A recess was had.)

13 THE VIDEOGRAPHER: We're back on the
14 record at 2:32 p.m.. Please proceed.

15 (Deposition Exhibit 1 was marked.)

16 BY MR. IRBY (CONT.):

17 Q. Mr. Alexander, before I ask you what an executive
18 sous chef does, I want you to go back in time with me a
19 little bit. You gave me a copy of your -- or you gave
20 me a business card?

21 A. Yes, sir.

22 Q. And we made a copy of it and marked it Exhibit 1.

23 I want you to look at that and make sure that's
24 the front and back of you business card?

25 A. Yes, sir.

1 Q. Okay. Thank you.

2 A. You're welcome, sir.

3 Q. All right. Now, we were going through your jobs
4 at the Peabody. And you were a banquet chef. You
5 described what that is. And then you were the chef de
6 cuisine. And then after that you told us I think that
7 you became the executive sous chef?

8 A. You want me to go into details on what sous chef
9 does?

10 Q. Yes, sir. Did I have that right?

11 A. Yes, sir.

12 Q. Okay. And tell us what an executive sous chef
13 does?

14 A. Executive sous chef is an assistant to the
15 executive chef. And what the executive chef does or
16 what executive sous chef does is the P&L, you know, the
17 cost effective of the hotel, the food and beverage, you
18 know, cost analysis of the items. How can we save
19 money. Look at what is cost, what budget, are we
20 meeting the budget, you know, those kind of stuff.

21 Q. Okay.

22 A. And then overseeing the whole kitchen, you know.
23 If there's an event where you're going to go do cooking
24 out like Taste of the Rock, that's just an example of a
25 charity event. You have to go out there and you got to

1 come up with a name. You have to make sure those things
2 does happen smoothly. Pretty much, you're in charge of
3 the hotel.

4 Q. Okay. Do you need to --

5 A. Sorry about that.

6 Q. That's okay. Is the -- if you're talking about
7 the hotel, food part, is executive chef kind of the head
8 person over all the various chefs?

9 A. Yes, sir.

10 Q. And is the sous chef kind of right underneath the
11 executive chef?

12 A. The executive sous chef, yes, sir. When he's on
13 vacation or whatever you're assisting him or whatever.
14 And most of the time the executive chef comes in, he
15 comes in about 6 o'clock in the morning. Likely is
16 going to be gone probably about 2 o'clock or 3 o'clock
17 then. Then you coming about 9 o'clock or 10 o'clock,
18 you stay until the whole everything in the hotel shuts
19 down.

20 If you're having a wine dinner, for example, in
21 the restaurant or whatever, the sous chef has got to
22 stay until all that event, everything is done with it,
23 whether it's midnight or 11:30, it doesn't matter, you
24 have to be around. You have to, yes, sir.

25 Q. So you not only have responsibility for kind of

1 seeing what dishes were making money and what weren't,
2 organizing, that sort of thing. You also actually had
3 responsibility over the kitchen to make sure they were
4 cooking appropriately and that sort of thing?

5 A. Yes, sir.

6 Q. So anyway, we got into that because we were
7 talking about the day after the oil spill when your son
8 came back, and you described for me the night and what
9 you woke up with.

10 So you left at 11:00 or thereabouts in the morning
11 to go back to work at the Peabody, right?

12 A. Yes, sir.

13 Q. And did you come back home that night?

14 A. I came back probably about 7 o'clock that evening.
15 I didn't stay because of -- I didn't stay. I probably
16 made it back maybe before 7:00. But I came back home a
17 little earlier just to make sure he's okay and the rest
18 of them, yes, sir.

19 Q. And when you got back to Mayflower, what, if
20 anything, do you remember about that Saturday night?

21 A. The smell, the continuous, it's not something that
22 wasn't just going away. And that's when the neighbors,
23 we start talking to the neighbors, you know. I'm very
24 friendly with the neighbors. If they see my truck
25 they'll come around, you know, and start talking to me,

1 what's going on, you know.

2 And that's how I know much about what is going on
3 at the neighborhood, because I wasn't -- I wasn't home
4 the whole time.

5 Q. So you would come home, and they'd kind of fill
6 you in on what was going on?

7 A. Yes, sir.

8 Q. Okay. That brings to mind, sometimes these maps
9 are right and sometimes they're wrong.

10 A. Yes, sir.

11 Q. I printed off a couple of overhead maps.

12 A. Yes, sir.

13 Q. And I'll mark this one as Exhibit 2.

14 (Deposition Exhibit 2 was marked.)

15 Q. It's kind of a wide angle of the Ledrick
16 neighborhood. And it's got this 26 Ledrick. Do you
17 call it Ledrick or Ledrick?

18 A. Ledrick.

19 Q. Ledrick. 26 Ledrick. Is that where you are or --

20 A. That's my house right there, yes, sir.

21 Q. And so you're on kind of the I guess the south
22 side of the neighborhood; is that right?

23 A. I suppose.

24 Q. Or southeast or whatever?

25 A. Yeah.

1 Q. South side of this picture?

2 A. Yes, sir.

3 Q. All right. And is your neighbor Jerry West and
4 his family, is that one of your next door neighbors?

5 A. Yes, sir. I think I got 27 or 28. I'm not sure,
6 to be honest with you.

7 Q. But they're right there next to you?

8 A. Yes, sir.

9 Q. Did you have any conversations with any other
10 neighbors other than Jerry West?

11 A. Probably about four or five of them neighbors,
12 yeah. Their houses are very close to each other.

13 Q. Okay.

14 A. And yes, sir.

15 Q. Who all have you talked to about the oil spill in
16 the neighborhood?

17 A. The next door neighbor to me, you be surprised,
18 his name is also Jerry, but it's not West.

19 Q. Okay.

20 A. Those ones, they just talk, you know, and I just
21 listen. I don't talk that much, but yeah, I just
22 listen. Yes, sir.

23 Q. Okay.

24 A. They talk know to me. I don't remember all their
25 names. I can't even tell you. They know my name. I'm

1 not good with names. You have to bear with me pretty
2 much, but yes, sir.

3 Q. Do you remember those -- in those days after the
4 oil spill, anything specific about the conversations you
5 and the neighbors were having, or was it just more
6 general I smell this, this is a bad smell, that sort of
7 thing?

8 A. The smell. Nobody -- nobody knows what's going
9 on. I have no idea. Whatever they said, they don't
10 have clue what's going on.

11 Q. Okay.

12 A. Just that the smell. You know, it's funny
13 sensation they feel, everybody feel, I feel. I don't
14 know what everybody else felt, but that's what I felt.
15 And that's -- I have no idea, you know.

16 Q. So that night, that Saturday night, just going
17 back to this weekend, the Saturday night you get home
18 from work 7:00ish or something like that. Check on your
19 son. Do you recall him telling you anything about what
20 he did that day or --

21 A. He's a young man. No. He left the house. He
22 hang out with his friends. No, I didn't -- no, sir.

23 Q. He didn't fill you in on his --

24 A. No, sir.

25 Q. -- his goings on?

1 A. I'm sorry. No, sir.

2 Q. All right. So you come home. Was he home when
3 you got home?

4 A. He wasn't home. He was with a friend, but he came
5 home 8:00, and then left again and went to the movie or
6 something like that, I think so, but yeah.

7 But I can tell you the next morning.

8 Q. Okay.

9 A. When I wake up which is Sunday morning, every
10 Sunday morning, me and him, and it's been -- it's been
11 for a long time, we'll go to IHOP in the morning. But
12 he woke up early in the morning and got a nose bleed,
13 for the first time ever. And I told him I just had one
14 yesterday before you got here. And that's -- you know,
15 that's how nose bleed started.

16 Q. Okay. Do you remember anything other than
17 visiting with your neighbors and the smell, do you
18 remember anything else about that Saturday night really?

19 A. No, not really, sir, no, sir.

20 Q. But you woke up, and you and your son's habit was
21 on Sunday mornings y'all would wake up and go to IHOP?

22 A. Yes, sir.

23 Q. And was there an IHOP in Conway?

24 A. Yes, sir. The one in Conway, sir.

25 Q. And that morning you remember him telling you that

1 he had experienced a nose bleed?

2 A. Yes, sir.

3 Q. Was his -- did he relate his experience similar to
4 the type of nose bleed you had?

5 A. Yeah, we talked about it. I'm not sure why he
6 getting it too, you know. And I don't know. Initially
7 I thought it was -- to be honest with you, I thought it
8 was maybe -- maybe the smell got into my carpet, because
9 my house was carpet at the time or whatever what it was
10 before. I've been thinking about it, you know,
11 replacing the carpet for a while or whatever.

12 But I thought maybe that's what -- forget about
13 the smell and all that stuff that I had in mind.
14 Maybe -- maybe the smell is in the carpet. Maybe it
15 won't go away. I'm thinking about I got to replace the
16 carpet. That's the mindset I had at that time. And
17 which I eventually did. But it didn't stop the nose
18 bleed, because it continues for a little while.

19 Q. Okay.

20 A. Yes, sir.

21 Q. So did he -- you told me about the -- did you have
22 a nose bleed that morning too, or was it just him that
23 morning, do you remember?

24 A. I had one on Sunday morning. He have one the next
25 day, which is Sunday morning.

1 Q. Right.

2 A. Yes, sir.

3 Q. You had one on Saturday, you didn't have one on
4 the Sunday, he had one on Sunday?

5 A. Yes, sir.

6 Q. All right. And did you go to work that Sunday?

7 A. I don't hardly work on Sunday.

8 Q. Okay.

9 A. Because it's not that much going on on Sundays.

10 Q. Did y'all wind up going to IHOP?

11 A. Of course. We do IHOP in the morning. And in the
12 afternoon there is a Chinese place in Maumelle. We've
13 been doing that for a long time. That's just where we
14 spend together or whatever. They he go back to school
15 later on that evening, and one of the friends drive or
16 whatever. We go eat Chinese food over there too. We
17 always do that for years. Sorry about that. Yes, sir.

18 Q. All right. That sounds pretty good.

19 What about -- and the days may start kind of
20 blending together. I'm not going to ask you about every
21 day from the oil spill, but I kind of want to finish off
22 the weekend here if we can.

23 A. Yes, sir.

24 Q. Sunday, you probably didn't go to work. Your son
25 winds up going back to Fayetteville. Anything about